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OFFICE OF PETITIONS

In re Application of
Singh, et al.
Application No. 10/631,029
Filed: July 29, 2003
Attorney Docket No. 28575/US/US

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DECISION ON PETITION

This is a decision on the "PETITION UNDER 37 CFR 1.182", filed September 21, 2004, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of July 29, 2003, with pages 767-770 of the specification as part of the original disclosure.

The petition is GRANTED.

Application papers in the above-identified application were filed on July 29, 2003. However, on September 1, 2004, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of NonProvisional Application." Applicants were notified that the application papers had been accorded a filing date of July 29, 2003; however, pages 767-770 of the specification appeared to have been omitted. In addition, applicants were instructed to submit the statutory basic filing fee, an oath or declaration, and the surcharge for their late filing.

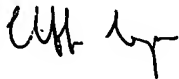
In response, applicants filed the instant petition. Accompanying the petition was a copy of pages 767-770 of the specification. Applicants maintain that the application as originally filed included pages 767-770. In support thereof, applicants submitted a postcard receipt identifying this application, itemizing "Specification, Claims, and Abstract (785 pgs.)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of July 29, 2003, and lacking any notation of non-receipt of any item listed.

A receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the \$130 petition fee has been refunded to Deposit Account No. 04-1420.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of July 29, 2003, using the application papers received in the Office on that date and pages 767-770 of the specification as resupplied on petition filed September 21, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions